



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

May 4, 2005

Mr. David Alpert, Treasurer
New York State Democratic Committee
60 Madison Avenue Suite 1201
New York, NY 10010

Response Due Date:
June 3, 2005

Identification Number: C00143230

Reference: Year-End Report (11/23/04 – 12/31/04)

Dear Mr. Alpert:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-The limitation on making coordinated party expenditures on behalf of a **House** candidate for the **2004** general election is \$37,310. Your reports, however, disclose coordinated party expenditures made on behalf of **Brian Higgins** totaling \$48,875.99, which appear to exceed the limitations under 2 U.S.C. §441a(d) (see attached).

If any apparently excessive expenditure in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If you have made an excessive coordinated party expenditure, you must notify the candidate and request a refund of the amount in excess of the limitation.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund request sent to the candidate. In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received.

Although the Commission may take further legal action concerning the

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excessive coordinated party expenditures, prompt action in obtaining a refund will be taken into consideration.

-On the Schedule L Aggregation Page for the Levin account, the beginning cash balance, Line 7, Column A, should equal the ending balance, Line 11, Column A, of your previous report. Please clarify this discrepancy and amend any subsequent report(s) that may be affected by this correction.

-Your calculations for Line 9, Column A on the Schedule L Aggregation Page for the Levin account appear to be incorrect. FEC calculations disclose this amount(s) to be \$29,189.58. Please amend your report to disclose the corrected total(s).

Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1398.

Sincerely,



Michael H. Hartsock
Campaign Finance Analyst
Reports Analysis Division

NEW YORK STATE DEMOCRATIC COMMITTEE

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Recipient Name	Date	Amount	Election	Report
Brian Higgins	10/12/04	\$12,021.56	G2004	12 Day Pre-General
Brian Higgins	10/14/04	\$5,420.82	G2004	30 Day Post-General
Brian Higgins	10/14/04	\$11,650	G2004	30 Day Post-General
Brian Higgins	10/21/04	\$930.40	G2004	30 Day Post-General
Brian Higgins	10/21/04	\$12,150	G2004	30 Day Post-General
Brian Higgins	11/15/04	\$25.88	G2004	30 Day Post-General
Brian Higgins	12/08/04	\$6,677.33	G2004	2004 Year-End

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